

AMENDED IN SENATE APRIL 9, 2007

AMENDED IN SENATE MARCH 28, 2007

SENATE BILL

No. 396

Introduced by Senator Ridley-Thomas

February 21, 2007

~~An act to amend Section 470.5 of the Business and Professions Code, and to add Section 70612.5 to the Government Code, relating to dispute resolution. An act to add Section 6511.6 to the Government Code, relating to courts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, Ridley-Thomas. ~~Dispute resolution. Civil court filing fees.~~

Existing law imposes various fees for filing specified documents in connection with civil court litigation.

This bill would require the Judicial Council to establish a commission on civil court fees with a broad-based membership to review issues relating to civil court fees and make recommendations to the Legislature as appropriate. The bill would require the Judicial Council to report to the Legislature on March 1 of each odd-numbered year on issues related to civil court fees, including the effectiveness of the fee structure, the performance of the revenues, and the funding needs of the entities that rely on filing fee revenues.

~~Existing law specifies the fees for filing the first paper in certain civil actions in superior court. Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees for the support of specified dispute resolution programs established by counties and limits the amount to be distributed to no more than \$8 per filing fee.~~

This bill would instead limit the amount to be distributed to no more than \$12 per filing fee. This bill would also require the Judicial Council, for the purpose of allowing a county to receive that distribution, to adopt, by rule of court, a process by which the fees for filing a first paper in certain civil actions in superior court are increased.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6511.6 is added to the Government Code,
2 to read:

3 6511.6. The Judicial Council shall establish a commission on
4 civil court fees with a broad-based membership that shall review
5 issues relating to civil court fees and make recommendations to
6 the Legislature as appropriate. The Judicial Council shall report
7 to the Legislature on March 1 of each odd-numbered year on issues
8 related to civil court fees, including, but not limited to, the
9 effectiveness of the fee structure, the performance of the revenues,
10 and the funding needs of the entities that rely on filing fee revenues.

11 SECTION 1. Section 470.5 of the Business and Professions
12 Code is amended to read:

13 470.5. (a) On and after January 1, 2006, as described in Section
14 68085.1 of the Government Code, the Administrative Office of
15 the Courts shall make monthly distributions from superior court
16 filing fees for the support of dispute resolution programs under
17 this chapter in each county that has acted to establish a program.
18 The amount distributed in each county shall be equal to the
19 following:

20 (1) From each first paper filing fee collected by the court as
21 provided under Section 70611 or 70612, subdivision (a) of Section
22 70613, subdivision (a) of Section 70614, or Section 70670 of the
23 Government Code, and each first paper or petition filing fee
24 collected by the court in a probate matter as provided under Section
25 70650, 70651, 70652, 70653, or 70655 of the Government Code,
26 the same amount as was required to be collected for the support
27 of dispute resolution programs in that county as of December 31,
28 2005, when a fee was collected for the filing of a first paper in a
29 civil action under Section 26820.4 of the Government Code.

1 ~~(2) From each first paper filing fee in a limited civil case~~
2 ~~collected by the court as provided under subdivision (b) of Section~~
3 ~~70613 or subdivision (b) of Section 70614 of the Government~~
4 ~~Code, and each first paper or petition filing fee collected by the~~
5 ~~court in a probate matter as provided under Section 70654, 70656,~~
6 ~~or 70658 of the Government Code, the same amount as was~~
7 ~~required to be collected for the support of dispute resolution~~
8 ~~programs in that county as of December 31, 2005, when a fee was~~
9 ~~collected for the filing of a first paper in a civil action under Section~~
10 ~~72055 of the Government Code where the amount demanded,~~
11 ~~excluding attorney's fees and costs, was ten thousand dollars~~
12 ~~(\$10,000) or less.~~

13 ~~(b) Distributions under this section shall be used only for the~~
14 ~~support of dispute resolution programs authorized by this chapter.~~
15 ~~The county shall deposit the amounts distributed under this section~~
16 ~~in an account created and maintained for this purpose by the~~
17 ~~county. Records of these distributions shall be available for~~
18 ~~inspection by the public upon request.~~

19 ~~(c) After January 1, 2006, a county that does not already have~~
20 ~~a distribution from superior court filing fees under this section and~~
21 ~~that establishes a dispute resolution program authorized by this~~
22 ~~chapter may approve a distribution under this section. A county~~
23 ~~that already has a distribution under this section may change the~~
24 ~~amount of the distribution. The total amount to be distributed for~~
25 ~~the support of dispute resolution programs under this section may~~
26 ~~not exceed twelve dollars (\$12) per filing fee.~~

27 ~~(d) The county may make changes under subdivision (c) to be~~
28 ~~effective January 1 or July 1 of any year, on and after January 1,~~
29 ~~2006. The county shall provide the Administrative Office of the~~
30 ~~Courts with a copy of the action of the board of supervisors that~~
31 ~~establishes the change at least 15 days before the date that the~~
32 ~~change goes into effect.~~

33 ~~SEC. 2. Section 70612.5 is added to the Government Code, to~~
34 ~~read:~~

35 ~~70612.5. The Judicial Council shall adopt a rule of court that~~
36 ~~specifies the process by which the fees described in Sections 70611~~
37 ~~and 70612 are increased in a manner consistent with any applicable~~
38 ~~statutes for the purpose of allowing a county to receive a~~
39 ~~distribution not exceeding twelve dollars (\$12) per filing fee~~

- 1 pursuant to subdivision (c) of Section 470.5 of the Business and
- 2 Professions Code.

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